

REMARKS

No claims have been amended, added or cancelled. Claims 1-70 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-17 and 19-70 under 35 U.S.C. § 102(e) as being anticipated by Teodosiu et al. (U.S. Publication 2002/0062375) (hereinafter “Teodosiu”). Applicant respectfully traverses this rejection for at least the reasons presented below.

Firstly, the rejection is improper because Teodosiu does not qualify as a prior art reference. More specifically, Teodosiu is a published U.S. patent application that was filed on Sep. 13, 2001, after Applicant’s priority date of April 24, 2001. Teodosiu does claim the benefit of two provisional applications both filed Nov. 22, 2000. However, the Nov. 22, 2000 filing date can only be used as Teodosiu’s 35 U.S.C. § 102(e) prior art date for the subject matter that is common to both the published application and one of Teodosiu’s provisional applications. Since it is common practice for a later filed utility application to include more or different subject matter than its earlier provisional application, the Examiner cannot assume that the material in Teodosiu’s published application relied upon by the Examiner was actually present in either of Teodosiu’s provisional applications. **In fact, examination of Teodosiu’s two provisional applications shows that they vary greatly from Teodosiu’s published utility application.** The subject matter on which the Examiner is relying on to reject Applicant’s claims does not appear to be entirely present in one of Teodosiu’s provisional applications. Thus, the rejection is improper. *See, In re Wertheim*, 209 USPQ 554 (CCPA 1981).

Moreover, Teodosiu’s published application is not entitled to the Nov. 22, 2000 date as a section 102(e) prior art date unless at least one claim of Teodosiu’s

published application is supported (under 35 U.S.C. § 112) in the provisional application. Under 35 U.S.C. 119(e)(1), a published utility application is not entitled to its provisional application's filing date as a prior art date unless at least one claim of the published utility application is supported (per 35 U.S.C. § 112) in the provisional application. Since both of Teodosiu's provisional applications are much shorter informal papers as compared to Teodosiu's utility application, it is not at all clear that either one of Teodosiu's provisional applications provide full 35 U.S.C. § 112 support for any of the claims of Teodosiu's published utility application. Thus, the rejection is further improper because Teodosiu's published application does not appear to have the necessary claim support in either provisional application to be entitled to the provisional application's filing date as its prior art date. *See also* M.P.E.P. § 2136.03(IV).

For the two reasons stated above, Applicant asserts that Teodosiu's published application does not qualify as prior art to the present application.

Even if Teodosiu did qualify as prior art, the rejection is further improper for at least the following reasons.

Regarding claim 1, Teodosiu does not disclose that the information about the peer group stored on the peer group name server is accessible to entities on the network through the peer group name server to discover the peer group, contrary to the Examiner's assertion. The Examiner cites paragraphs 33, 37, 59-61, 72 and 78. However, none of the cited paragraphs describes information about a peer group that is stored on a peer group name server and that is accessible to entities on the network through the peer group name server *to discover the peer group*. Teodosiu does not mention that peer registration information, which the Examiner equates with information about a peer group, is accessible to *discover the peer group*. Peers on Teodosiu's system do not access peer registration information stored on either registrar 110 or a RNS server to discover a peer group.

Cited paragraph 33 describes how Teodosiu's registrar 110 selects a home resource naming service (RNS) server for a particular peer and paragraph 37 discusses how a peer, accesses a peer resource by communicating with the peer's home RNS server. In response, the RNS server determines one or more locations where the desired resource is expected to reside. The peer can then access the desired resource directly. Paragraphs 59-61 describe how a RNS server updates its peer records to indicate a peer's status, such as the peer's current IP address and port numbers. Paragraph 72 teaches that Teodosiu's peer platform, which resides on each peer device, intercepts all peer-to-peer and resource location traffic and paragraph 78 describes how peer resources are identified using URL's including a "ppp" or "rns" access protocol identifier and also teaches that Teodosiu's peer platform determines whether or not an addressed locator service is known to the particular instance of Teodosiu's peer platform. As noted above, none of the Examiner's cited passages describes anything regarding information about a peer group that stored on a peer group name server, wherein the information is accessible to entities on the network through the peer group name server *to discover the peer group*. Furthermore, Teodosiu teaches that to locate a resource a peer issues a request that the peer platform on the peer device forwards to the peer's home RNS server. The RNS server then returns a list of locations at which the resource may be found. Teodosiu doesn't mention anything about the peer (or the peer platform on the peer device) accessing or using any information about a peer group that is stored on either Teodosiu's registrar or DNS server. (Teodosiu, paragraphs [0079] and [0081]). Thus, the peer does not discover the peer group, but instead just sends resource requests to its home RNS without knowing anything about any peer group or about other peers in the network.

Applicant respectfully reminds the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Teodosiu fails to disclose wherein the information about the peer group stored on

the peer group name server is accessible to entities on the network through the peer group name server to discover the peer group. Therefore, Teodosiu cannot be said to anticipate claim 1.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 11, 37, 44, 61 and 65.

In further regard to claims 11 and 44, Teodosiu does not disclose discovering the peer group from the information about the peer group on the peer group name server. The Examiner does not cite any passage of Teodosiu that describes discover a peer group from information about the peer group on the peer group name server. As noted above, Teodosiu does not teach where information about a peer group stored on a peer group name server is accessible to discover the peer group. Additionally, Teodosiu does not disclose discovering a peer group from the information about the peer group on the peer group name server. The Examiner equates a peer's registration information with the information about a peer group from Applicant's claims. However, the peer registration information is not used in Teodosiu's system to discover a peer group. Teodosiu teaches that to participate in the realm, which the Examiner equates to a peer group, a peer registers with registrar 110 "to convey a user's identity, encryption keys for secure communications within realm 150, billing information for access[ing] various peer resources, down-loading and installing software to enable the peer 140 to be compatible with its assigned RNS server, and the like" (Teodosiu, paragraph [0032]). Nowhere does Teodosiu mention discovering a peer group from peer registration information.

Regarding claim 2, Teodosiu fails to disclose a peer group name server receiving and storing information about a peer group, wherein the information about the peer group includes information configured for use in joining the peer group. The Examiner cites paragraph [0034] of Teodosiu. However, paragraph [0034] describes how registrar 110 registers new RNS servers by assigning a unique identifier for the new RNS server and

by identifying a set of compatible peers to be “homed” with the new RNS server. The cited paragraph has nothing to do with information about a peer group including information configured for use in *joining a peer group*. Registering a new RNS server is very different from information configured for use in joining a peer group. The Examiner equates a peer’s registration information with the information about a peer group from Applicant’s claims. As noted above, Teodosiu teaches that a peer registers with registrar 101, which the Examiner equates to joining a peer group, by communicating with registrar 101 “to convey a user’s identity, encryption keys for secure communications within realm 150, billing information for access[ing] various peer resources, down-loading and installing software to enable the peer 140 to be compatible with its assigned RNS server, and the like” (Teodosiu, paragraph [0032]). Nowhere does Teodosiu mention that peer registration information stored on either registrar 101 or an RNS server is configured for use in joining the peer group. The fact that Teodosiu teaches that a peer may download and install software does not teach the limitation of claim 2, because claim 2 requires that the peer group name server receive the information about the peer group and Teodosiu does not teach anything about registrar 101 receiving the software that may be downloaded and installed by a registering peer. Thus, Teodosiu cannot be said to anticipate a peer group name server receiving and storing information about a peer group, wherein the information about the peer group includes information configured for use in joining the peer group.

Therefore, the rejection of claim 2 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 3, Teodosiu does not disclose wherein the information received by the peer group name server about the peer group includes a peer group name of the peer group and a peer group identifier of the peer group. The Examiner cites paragraphs 89-92. However, the cited passage does not disclose the use of a *peer group name* and a *peer group identifier*. Specifically, the cited passage describes Teodosiu’s resource addressing scheme, but does not have anything to do with information about a peer group received by a peer group name server that includes a peer group name of the peer group

and a peer group identifier of the peer group. The cited passage describes the format of resource URLs that a peer uses in resource requests. Presumably, the Examiner contends that Teodosiu's realm names are peer group names. However, in Teodosiu's resource addressing scheme, resource URL's include only a single reference to a realm, not both a realm name and a realm identifier, which would be required to anticipate claim 3. Furthermore, the resource addressing scheme described at the cited passage is not information about a peer group. Instead, the cited passage refers to how individual resources are addressed using a URL format. Thus, the cited passage refers to information about a resource, but does not describe information about a peer group. Therefore, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 12, 39 and 45.

Regarding claim 31, Teodosiu fails to disclose a first peer sending a symbolic name of an entity to the peer group name server. The Examiner has failed to present a proper rejection of claim 31. The Examiner merely states that claims 31-36 disclose the same limitation as claims 1-20 and that claims 31-36 "are rejected for the same basis". However, claim 31 has a different scope than claim 1 and the Examiner has failed to address the specific limitations of claim 31. The Examiner does not cite any portion of Teodosiu that discloses a first peer sending a symbolic name of an entity to the peer group name server and the peer group name server determining an entity identifier associated with a symbolic name. As noted above, Teodosiu fails to disclose a peer sending a symbolic name of an entity to a peer group name server. Instead, a peer in Teodosiu's system issues a request for a resource via a URL that includes "ppp" or "rns" instead of "www" (see paragraphs [0076 – 0078]). Teodosiu thus teaches that peers identify desired resources using URL directives, not symbolic names.

For at least the reasons above, the rejection of claim 31 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 38 and 70.

Section 103(a) Rejection:

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Teodosiu as applied to claims 1-17 and 19-70 above. Applicant respectfully traverses this rejection for at least the reasons presented above regarding its independent claim.

Regarding both the § 102 and § 103 rejections, Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be improper for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-90001/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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